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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Serial Number: )  
10/766,747 )  
 )  
Applicants: Shigeo Morimoto et al. ) Group Art Unit:  
 ) 1623  
 )  
Filed: January 28, 2004 ) Confirmation No.:  
 ) 3658  
 )  
In re Reissue Application )  
of U. S. Patent No. 6,342,590 )  
 )  
For: Erythromycin A Derivatives and ) Examiner:  
Method for Preparing Same ) Elli Peselev

**PETITION UNDER 37 C.F.R. §1.47**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

1. Applicants hereby petition to submit a supplemental declaration in the above-referenced application signed by five of the six inventors on behalf of an inventor who refuses to sign this supplemental declaration.

2. Taisho Pharmaceutical Company, Ltd. is assignee of the entire interest in U.S. Patent No. 6,342,590, the invention described therein, and in any reissue thereof by assignment recorded at Reel 4770, Frame 0623, including the above-referenced application.

3. Ms. Keiko Koishi, Manager of Intellectual Property Division of Taisho Pharmaceutical Company, and the person who has direct knowledge of the facts, has provided a statement of facts to accompany this petition.

09/15/2005 SDENB0B1 00000049 160633 10786747

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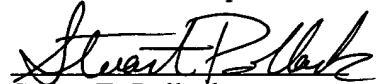
4. According to this statement of facts, one of the joint inventors, Mr. Tohru Matsunaga, refuses to sign a supplemental declaration for the above-referenced reissue application. This supplemental declaration has been signed by the other five joint inventors.

5. Mr. Tohru Matsunaga's current address is: 846-5 [2-212], Kokuki, Kuki-shi, Saitama 346-0001, Japan.

6. Because Mr. Matsunaga refuses to sign this Supplemental Reissue Declaration, Applicants request that the Office of Petitions grant this petition, so that the above-referenced application can be promptly allowed.

7. A check for the required petition fee of \$130.00 has been enclosed for this petition. Please charge any additional required fees to our Deposit Account No. 16-0633.

Dated: September 14, 2005



Stuart E. Pollack  
Reg. No. 43,862

Mailing Address:

Attention: IP Docketing  
Patterson, Belknap, Webb & Tyler, LLP  
1133 Avenue of the Americas  
New York, New York 10036  
(212)336-2000  
(212)336-2222 fax  
**Customer No. 23723**



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STATEMENT OF FACTS UNDER 37 C.F.R. §1.47

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September 12, 2005

I, Keiko Koishi, hereby make the following statement of facts regarding Mr. Tohru Matsunaga's refusal to sign the "SUPPLEMENTAL REISSUE DECLARATION" for the reissue of U.S. Patent No. 6,342,590.

I am Manager for the assignee of U.S. App. No. 10/766,747, Taisho Pharmaceutical Company, Ltd. I am in charge of Intellectual Property, and am the person responsible for obtaining the signatures for the supplemental declaration submitted in this application. Five of the six inventors have signed this supplemental declaration on behalf of themselves and one co-inventor who refuses to sign.

One of the inventors, Mr. Tohru Matsunaga, refused to sign the Supplemental Reissue Declaration after the amendment and Supplemental Reissue Declaration were presented to him. On August 3<sup>rd</sup>, 2005, I sent Mr. Matsunaga a letter to ask him to sign the "Supplemental Reissue Declaration" in order to delete and amend the claims of the patent. However, there was no response from him.

On August 29<sup>th</sup>, 2005, I made a phone call to Mr. Matsunaga and explained our intention to delete Claim 2 and to amend Claim 1 and Claims 3-5. He refused to sign the "Supplemental Reissue Declaration" on grounds that he was no longer Taisho's employee, there would be no benefit for him to sign, and that signing might somehow "penalize him."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therein.



Keiko Koishi  
Manager  
Intellectual Property Division  
Taisho Pharmaceutical Company, Ltd.  
4-19-9 Nishishinkoiwa  
Katsushika-ku  
Tokyo 124-0025  
Japan